

Idaho Criminal Justice Commission
Regular Meeting
September 24, 2021

Location: In Person - [Zoom](#)

Time: 9 a.m.–11 p.m.

Idaho Criminal Justice Commission Members Present:

Eric Fredericksen, Chair, SAPD	Thomas Sullivan, Judge, Magistrate Court
Dan Hall, Vice Chair, Chiefs of Police Association	Todd Lakey, Senate Judiciary & Rules Chairman
Kieran Donahue, Idaho Sheriffs Association	Rafael Gonzalez, U.S. Attorney, District of Idaho
Vacant, House Jud, Rules & Admin	Darren Simpson, Judge, District Court
Dave Jeppesen, Health & Welfare	Denton Darrington, Public Member
Grant Burgoyne, Senate Judiciary & Rules	Marianne King, Office of Drug Policy
Ashley Dowell, Comm of Pardons & Parole	Monty Prow, IDJC

Josh Tewalt, Department of Correction
Kathleen Elliott, Public Defense Commission
Bernadette LaSarte, Public Member
Sara Omundson, Idaho Supreme Court
Grant Loebs, Prosecuting Attorneys Assoc.
Seth Grigg, Idaho Association of Counties
Eric Studebaker, Department of Education

Comprising a quorum of Idaho Criminal Justice Commission (Commission)

Idaho Criminal Justice Commission Members Absent:

Daniel Chadwick, Public Member
Kedrick Wills, Idaho State Police
James Cawthon, Judge, District Court
Mark Kubinski, Idaho Attorney General's Office
Greg Chaney, House Jud & Rules Chairman
Jared Larsen, Office of the Governor

Others Present:

Kelli Brassfield, IAC
Bree Derrick, IDOC
Nancy Volle, SOMB
Tanea Parmenter, ISP
Lauren Bailey, OPE
Rakesh Mohan, OPE
Alana Minton, Idaho Attorney General's Office for Mark Kubinski
Tauna Jones, AOC
Bill Williams, ISP for Kedrick Wills

Agenda <i>Who's Responsible</i>		Meeting Outcomes/Decisions Reached	Due Date
9:00 am (10 min)	Call to Order– <i>Chair Eric Fredericksen</i> <ul style="list-style-type: none"> Welcome and Roll Call— <i>Chair Eric Fredericksen</i> Review Commission's Vision and Mission Statement and Values— <i>Commission Members</i> 		
	Commission Management		
9:10 am (20 min)	Action Item – Approve June 2021 Minutes <u>Subcommittee Reports</u> <ul style="list-style-type: none"> Human Trafficking Mental Health Research Alliance - Monty Prow Sex Offense MMIP 	<p>There was a motion to approve the minutes from July 2021 by Sen. Burgoyne and was seconded by Sen. Lakey. Motion carried.</p> <p>The human trafficking subcommittee is waiting for the data oversight council to have a meeting. We need to know if they want information from IDJC.</p> <p>The sex offense subcommittee meets monthly. They are looking at the statutes broadly to see if there are any other changes that need to be made.</p> <p>MMIP discussed the subcommittee make up. They also discussed attending the MMIP conference in October.</p>	
	Promote Well-Informed Policy Decisions		
9:30 am (30 min)	Idaho Public Defense Commission Update – <i>Kathleen Elliott, Executive Director, PDC</i>	<p>Mission – To improve trial level public defense to ensure State and Federal Constitutional requirements are met.</p> <p>Annual Reporting/Review/Resource Cycle: County Annual Review (Complete April 15th), Financial Assistance Application (Due May 15th), Budgets (Due September 15th), Financial Assistance (Paid October 1st), Defending Attorney annual Report (Due November 1st), and County Expenditure Report (Due December 31st).</p> <p>Overview: PDC Assistance: Total Formula Funding: \$26.15M Workload: \$11.7M ELF: \$527,000</p>	

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		<p>Joint Offices: \$600,000 Grand total: \$38.98M</p> <p>County expenditures and PDC assistance: County expenses far exceed the amount of funding provided by the state.</p> <p>FY2020 ~64,000 cases There were 391 reporting attorneys for FY20 and 401 current roster members. State local share/budget was \$29M. The PDC pass through appropriation was \$10.5M.</p> <p>Public Defender Counts in Idaho for FY2021: Lead Public Defenders (Institutional): 12 Public Defenders Overall (Institutional): 181 Primary Public Defenders (Contract): 64 Conflict Public Defenders (Contract): 134 Total Attorneys: 391 (There are some attorneys that contract with more than one county and so the number of reported positions across the counties is higher than the actual number of attorneys.)</p> <p>PD compensation varies across the state: Lead Public Defenders (Institutional): \$81,000/yr. (low) - \$164,000 (high) Public Defenders Overall (Institutional): \$41,000/yr. (low) - \$142,000 (high) Primary Public Defenders (Contract): \$11,700/yr. (low) - \$144,000 (high) Conflict Public Defenders (Contract): \$65/hr. (low) - \$135/hr. (high)</p> <p>Training: Public Defense College (PDC²) First Friday – began in February The Montroy Series - webinars Open Houses – technical assistance for counties and defending attorneys Leadership institute - partnered with the national association of public defense</p>	

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		<p>Next: Legislative: Proposed rules provisions Request for pass through funding for 3 additional workload attorneys</p> <p>DOJ/NACDL Assistance: Begin meetings in 2022: to work on vertical representation</p> <p>Collaborative Work: Revisions Stakeholder meetings/input Incorporation</p> <p>Range of pay? Do the differences in pay have to do with negotiations? Is pay better in larger counties? Counties do negotiate their own. The PDC does help them if counties ask. The PDC has been able to help to get contracts that are more in line with the rules and standards. It matters where in the state you are and not necessarily on how large the population is. Does this come into play with the quality of services being provided? Hard to say.</p> <p>The Idaho State Bar has done surveys on what attorneys should make? Is the pay represented in the slides similar to what the Bar has shown in their results? The PDC hasn't compared them but once the 2020 data has been received, that can be done.</p> <p>Public entities may pay less than private but they are better about paying. Private entities may pay more but don't always pay their bills.</p> <p>Pdc.idaho.gov Kathleen.elliott@pdc.idaho.gov 208-869-3124</p>	

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9:45 am (25 min)	Sequential Intercept Mapping (SIM) – <i>Taunya Jones, AOC; Judge Petty, District Court</i>	<p>Allows to examine the gaps between the mental health and the justice systems to determine where they may be gaps.</p> <p>This goes right into the work that the Idaho Behavioral Health Council has done. They were tasked in evaluating the behavioral health landscape in Idaho. There were many recommendations that were prioritized. The priorities were based on: whether there was a positive influence or effect change (impact), successfully produce desired results (effectiveness), maximizing results while minimizing use of resources across public agencies (efficiency).</p> <p>Each recommendation has a sponsor agency and they are all on a slightly different timeline.</p> <p>What is SIM?</p> <ul style="list-style-type: none"> - Developed by Policy Research Associates - “Developed as a conceptual model to inform community-based responses to the involvement of people with mental and substance use disorders in the criminal justice system.” - “Is designed to tap into local expertise by bringing together key stakeholders to develop a ‘map’ that illustrates how people with mental and substance use disorders come in contact with and flow through the local criminal justice system.” <p>Intercept Model:</p> <ul style="list-style-type: none"> - Intercept 0 Community Services: most important, people gain access to services when they are in crisis. - Intercept 1 Law Enforcement: this can be through 911. We could work on CIT to work with those in crisis. - Intercept 2 Initial Detention/Court Hearing: look at ways to get people treatment at this level and to not have them continue through court process if it isn’t needed. - Intercept 3 Jail/Courts: specialty courts to continue services. - Intercept 4 Reentry: programs to continue services if needed and to make sure there is a warm hand off. - Intercept 5 Community Corrections: looking at some specialized workload in probation and parole. We will look at housing and employment as well. 	

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		<p>SIM workshop: There will be up to 50 local stakeholders. The goals of SIM workshop include: mapping the local system, identify gaps and needs, improve coordination of services, and develop priorities for local improvements When planning, consider needs of all regions in judicial district and what can be accomplished in one workshop.</p> <p>After the workshop: Priorities will be organized for local improvements, Stakeholders will be brought together regularly to work on local system, and After sometime, a recap meeting will be scheduled to reevaluate.</p> <p>SIM Implementation Timeline: Fall 2021 – Formation of IBHC Implementation Team and development of implementation plan</p> <p>Spring 2022 – PRA-Facilitated workshops in Canyon County, Bannock County, and Nez Perce County.</p> <p>Spring 2022 – Facilitator training from PRA</p> <p>June 2023 – Complete SIM mapping across the state</p> <p>How can you help? - Participate in the SIM workshops - Be open to collaborating with partners to implement improvements following the workshops - Help educate your staff about SIM and its benefits, and - Reach out.</p> <p>Are there separate SIM for youth v. adult? The model may not be different but the stakeholders will be different. There have been some efforts nationally to have the model adjusted to work for juveniles.</p>	

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		Judge Petty: jdggap@canyonco.org Taunya Jones, Director of Justice Services, ISC: tjones@idcourts.net Laura Kiehl, IBHC Project Manager: lkiehl@idcourts.net	
10:05 am (30 min)	What Role do Idaho's Criminal Justice Agencies play in Creating a Complete, Accurate, and Timely Criminal History Record – <i>Amy Vezzoso, BCI Training Specialist</i>	<p>Records are audited on a triannual basis.</p> <p>Criminal history records include all misdemeanor and felony records. They include identification (access to arresting agency/jail), arrest information (access to arresting agency/jail/prosecutors), court information (access to court clerk/prosecutors), and any custody information (access to prisons). State agencies are required to do back ground checks, so it is vital that all the information is correct and available.</p> <p>Criminal history records are based solely on fingerprint submissions. 67-3002 Finger prints are used to link arrest with all prior records. If someone is arrested and is not finger printed, their records will not be accurate.</p> <p>iCourt is created by the courts and is based on the name and date of birth of an individual. A criminal record is housed at BCI and is based on fingerprint submissions. This criminal record through BCI can also be used nationally. Although there is similar information, these two are not the same.</p> <p>Finger print card creation (required on persons who have been arrested or served a criminal summons in the state for a retainable offense). 67-3004</p> <p>Retainable offenses are felonies or serious misdemeanors. Serious misdemeanors are a crime, that if convicted, could be punishable by imprisonment in a county jail. Public safety could be affected by omitting finger printing. A couple of examples are misdemeanor domestic violence convictions, or misdemeanor drug offenses. Felony sexual assault charges are not listed due to summons being accepted without arrest, and an accurate and complete comprehensive summary is not being provided to agencies conducting background checks for sensitive positions or for those working with children/elderly.</p>	

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		<p>Missed charges include DUIs, petite theft, felony and misdemeanor drug charges, DWPs, burglary, sex offenses, resisting arrest, eluding, and trespass.</p> <p>Consequences and effects:</p> <ul style="list-style-type: none"> - Unable to properly assess risk, - Allows for prohibited weapons purchases or return of weapons, - Invalid approvals/denials for employment and housing, - Unreliable placement of children, - Miscalculation of confinement classification, - Sentencing inconsistencies, - Missed modification of severity or addition of charges based on occurrence, and - No arrest on convicted felon violations. <p>Submission of fingerprint card to BCI The submission needs to include identification data, arrest information, and fingerprint impressions. 67-3004</p> <p>This information plays a huge role in the system. If the information is input incorrect it will not be clear.</p> <p>Need to have a complete record. Each person is given a card number and this needs to be entered into odyssey correctly. If it is included or missing, a disposition may not be included in their record. 67-3005</p> <p>Disposition inconsistencies: Some inconsistencies include the process for submissions of TCN information to courts, entering TCN information by courts, and Odyssey programming.</p> <p>Quality concerns:</p> <ul style="list-style-type: none"> - Completeness: the need to capture more arrests via fingerprinting, awareness and training, and reduce missing dispositions. - Accuracy: the need for updates from prosecutors. 	

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		<p>Stats for 2019: ~57,000 misdemeanor court cases were created and ~32,000 misdemeanor fingerprint cards were submitted. That means about 24,000 were missing from criminal records. Most of them are due to cite and release. About 39% of arrests were cite and release.</p> <p>Dispositions missing from criminal history (67% missing from felony arrests and 77% missing from misdemeanor arrests). We need to make clerks aware of this process to help close these gaps. Once all are aware we will see better submissions.</p> <p>Recommendations: - Public safety awareness, - Clarification on Idaho fingerprint requirements, and - Standardization of agency contributions</p> <p>Contact information:</p> <p>Leila McNeil, Chief Idaho Bureau of Criminal Identification Leila.mcneil@idp.idaho.gov</p> <p>Amy Vezzoso, Specialist Audit and Training/Criminal History Amy.vezzoso@isp.idaho.gov</p> <p>Has there been a change in the rate of misdemeanor submissions in regards to the Clarke decision? We have noticed a larger amount of cite and release since then and that also includes the pandemic.</p> <p>Where are we having issues with Odyssey? We were having an issue with the TCN not transferring/attaching properly but I will get more information on that. Are judges not ordering finger printing with a conviction? Some counties are missing the opportunity to finger print in their processes. Will again get more information on that.</p>	

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10:45 am <i>(15 min)</i>	Other ICJC Business –	OPE received a request from JLOC to conduct an evaluation of Idaho's criminal justice system and reinvestment efforts. This evaluation is in the initial scoping phase. Please feel free to contact OPE with questions. Please expect that OPE will reach out to commission members if they have questions.	
11:00 am	Adjournment		

Next regularly scheduled meeting to be held in Boise, Friday, October 29, 2021

“Collaborating for a Safer Idaho”